

In the Claims

1. (Currently Amended) A computer implemented replacement selection method for organizing data items from two or more input streams comprising ~~the steps of:~~
 - assigning a status identifier to each input stream, said identifier reflecting a state of an input stream;
 - comparing a status identifier of a first input stream with a status identifier of a second input stream;
 - identifying a data item being processed from ~~one of the~~ a second input streams ~~stream~~ as being a duplicate of a previously processed data item from a first input stream ~~based on said assigned status identifier;~~
 - assigning a duplicate status identifier to said second input stream responsive to said identified duplicate data item;
 - ~~retaining an indication that the data item being processed is a duplicate data item;~~
 - and
 - ~~alternating between said input streams containing said duplicate data item~~
 - switching from said first input stream to said second input stream responsive to said assigned duplicate status identifier, wherein the step of switching said input streams avoids exhausting one of said input streams when a quantity of said input streams is an odd number.
2. (Currently Amended) The method of claim 1, wherein ~~the indication that the data item being processed is a duplicate data item is one value of an indicator having values~~ the status identifier has a value corresponding to "empty", "duplicate", "merging" and "done".
3. (Currently Amended) The method of claim 2, wherein:
 - the ~~indicator~~ status identifier is an integer variable;
 - the ~~indicator~~ status identifier value corresponding to "empty" is the value zero;
 - the ~~indicator~~ status identifier value corresponding to "duplicate" is the value one;

the ~~indicator~~ status identifier value corresponding to "merging" is the value two; and the ~~indicator~~ status identifier value corresponding to "done" is the value three.

4. (Currently Amended) The method of claim 3, wherein the step of alternating between said input streams containing said duplicate item is responsive to comparisons between the values of the integer ~~indicator~~ status identifier ~~variable indicator~~ values associated with data items being compared.
5. (Original) The method of claim 1, wherein the method is a replacement selection method using a loser- oriented selection tree.
6. (Currently Amended) A computer-readable data structure representing a selection tree for use in a computer- implemented replacement selection method of organizing data items from two or more input streams, comprising
for each node of the selection tree:
an identifier of one of the input streams, and
a reference to a data item being processed from that one of the input streams; and
~~a manager to alternate between input streams in response to an indication whether the data item being processed is a duplicate~~
instructions to compare identifiers from a node of a first input stream with a node of a second input stream, and in response to said identifiers of said second input stream representing a duplicate data item assigning said identifier of said second input stream as a duplicate identifier and switching from said first input stream to said second input to avoid exhausting said first input stream.
7. (Original) The data structure of claim 6, wherein the indication that the data item being processed is a duplicate is one value of an indicator having values corresponding to "empty", "duplicate", "merging" and "done".

8. (Original) The data structure of claim 7, wherein:

the indicator is an integer variable;
the indicator value corresponding to "empty" is the value zero,
the indicator value corresponding to "duplicate" is the value one;
the indicator value corresponding to "merging" is the value two; and
the indicator value corresponding to "done" is the value three.

9. (Currently Amended) An article for use in a computer implemented replacement selection method for organizing data items from two or more input streams comprising:

a computer-readable signal-bearing medium;

means in the medium for assigning a status identifier to each input stream, said identifier reflecting a state of an input stream;

means in the medium for comparing a status identifier of a first input stream with a status identifier of a second input stream;

means in the medium for identifying a data item being processed from one of the input streams as being a duplicate of a previously processed data item;

~~identifying a data item being processed from a second input stream as being a duplicate of a previously processed data item from a first input stream based on said assigned status identifier;~~

means in the medium for assigning a duplicate status identifier to said second input stream responsive to said identified duplicate data item;

~~retaining an indication that the data item being processed is a duplicate data item;~~
and

~~alternating between said input streams containing said duplicate data item~~

means in the medium for switching from said first input stream to said second input stream responsive to said assigned duplicate status identifier, wherein the step of switching said input streams avoids exhausting one of said input streams when a quantity of said input streams is an odd number.

10. (Original) The article of claim 9, wherein the indication that the data item being processed is a duplicate data item is a value of an indicator having values corresponding to "empty", "duplicate", "merging" and "done".
11. (Original) The article of claim 10, wherein the indicator is an integer variable;
the indicator value corresponding to "empty" is the value zero;
the indicator value corresponding to "duplicate" is the value one;
the indicator value corresponding to "merging" is the value two; and
the indicator value corresponding to "done" is the value three.
12. (Currently Amended) The article of claim 11, wherein the means for ~~alternating~~ switching is responsive to comparisons between the values of the integer variable indicator values associated with data items being compared.
13. (Original) The article of claim 9, wherein the method is a replacement selection method using a loser- oriented selection tree.
14. (Original) The article of claim 9, wherein the medium is selected from the group consisting of a recordable data storage medium; and a modulated carrier signal.